

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to five-year rules review and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 87, “Family Planning Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 217.41B.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 217.41B.

Purpose and Summary

Chapter 87 was reviewed as part of the Department’s five-year rules review. Chapter 87 defines the state family planning program, which is a state-funded program within the Medical Assistance program. This proposed rule making adds language to allow eligibility for Afghan parolees and members of three Pacific Island nations’ populations included in the Compacts of Free Association (COFA) to clarify their eligibility for this program. Minor updates and clarifications to eligibility criteria are proposed as part of the review.

The rules review also resulted in the following proposed technical changes. Definitions are being updated to provide clarity and correct references to other chapters. “Enterprise” is being removed from the Iowa Medicaid name to be consistent across all chapters related to Medicaid. References to federal regulations are also being updated to provide accurate listings. References to Iowa Code section 232.2(20B) refer to that section as enacted by 2022 Iowa Acts, House File 2507.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on December 6, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend **441—Chapter 87**, preamble, as follows:

PREAMBLE

This chapter defines and structures the family planning program administered by the department pursuant to ~~2017 Iowa Acts, House File 653, section 90~~ Iowa Code section 217.41B. The purpose of this program is to provide family planning services to individuals who are not enrolled in medical assistance under 441—Chapter 74 or 441—Chapter 75. The department is not receiving federal financial participation for expenditures under the family planning program. Therefore, this chapter shall remain in effect only as long as state funding is available.

The family planning program shall replicate the eligibility requirements and other provisions included in the Medicaid family planning network waiver, as approved by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services in effect on June 30, 2017, but shall provide for distribution of the family planning services program funds in accordance with this chapter.

Distribution of family planning program funds under this chapter shall be made in a manner that continues access to family planning services.

ITEM 2. Amend rule 441—87.1(217) as follows:

441—87.1(217) Definitions.

“*Applicant*” means a person who applies for assistance under the family planning program described in this chapter.

“*Authorized Title X agency*” means an agency or entity with an executed memorandum of understanding (MOU) with the Iowa department of human services authorizing the agency to perform point-of-service eligibility determinations for the family planning program.

“*Citizen*” or “*citizenship*” includes both citizens of the United States and nationals of the United States as defined in 8 U.S.C. Section 1101(a)(22).

“*Creditable qualifying quarters*” means all of the qualifying quarters of coverage as defined under Title II of the Social Security Act worked by a parent of an alien while the alien was under the age of 18, and qualifying quarters worked by a spouse of an alien during their marriage if the alien remains married to the spouse or was married to the spouse at the spouse’s death, except for quarters beginning

after December 31, 1996, if the parent or spouse of the alien received any federal means-tested public benefit during the period for which the qualifying quarter is credited.

“Department” means the Iowa department of human services.

“Family planning services” means pregnancy prevention and related reproductive health services.

“Federal poverty level” means the levels published and updated periodically in the Federal Register by the United States Department of Health and Human Services (DHHS) under the authority of 42 U.S.C. Section 9902(2) and revised annually on April 1.

“Member” means a person who has been determined eligible and is a current or former recipient of the family planning program services.

“Noncitizen” means the same as the term “alien” as defined at 8 U.S.C. Section 1101(a)(3).

“Qualified noncitizen” means the same as the term “qualified alien” as defined at 8 U.S.C. Section 1641(b) and (c) and refers to a person who is:

1. Lawfully admitted for permanent residence in the United States under the Immigration and Nationality Act (INA);

2. Granted asylum in the United States under Section 208 of the INA;

3. A refugee admitted to the United States under Section 207 of the INA;

4. Paroled into the United States under Section 212(d)(5) of the INA for a period of at least one year;

5. A person whose deportation from the United States is withheld under Section 243(h) of the INA as in effect before April 1, 1997, or under Section 241(b)(3) of the INA;

6. Granted conditional entry to the United States pursuant to Section 203(a)(7) of the INA as in effect before April 1, 1980;

7. An Amerasian admitted to the United States as described in 8 U.S.C. Section 1612(b)(2)(A)(i)(V);

8. A Cuban/Haitian entrant to the United States as described in 8 U.S.C. Section 1641(b)(7);

9. A battered noncitizen as described in 8 U.S.C. Section 1641(c);

10. Certified as a victim of trafficking as described in Section 107(b)(1)(A) of Public Law 106-386;

11. An American Indian born in Canada to whom Section 289 of the INA applies or a member of a federally recognized Indian tribe as defined in 25 U.S.C. Section 450b(e);

12. Under the age of 21 and lawfully residing in the United States as allowed by 42 U.S.C. Section 1396b(v)(4)(A)(ii); or

13. Lawfully residing in the United States in accordance with a Compact of Free Association with the government of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau as described in 8 U.S.C. Section 1612(b)(2)(G) as amended by Section 208 of Division CC of Public Law 116-260.

“Qualifying quarters” means all of the qualifying quarters of coverage as defined under Title II of the Social Security Act worked by a parent of a noncitizen while the noncitizen was under the age of 18 and all of the qualifying quarters worked by a spouse of the noncitizen during their marriage if the noncitizen remains married to the spouse or the spouse is deceased. No qualifying quarters of coverage that are creditable under Title II of the Social Security Act for any period beginning after December 31, 1996, may be credited to a noncitizen if the parent or spouse of the noncitizen received any federal means-tested public benefit during the period for which the qualifying quarter is credited.

ITEM 3. Amend subrule 87.2(2) as follows:

87.2(2) *Furnishing of social security number:* As a condition of eligibility, except as provided by paragraph 87.2(2) “a,” an applicant or member must provide to the department or authorized Title X agency, as applicable, all social security numbers issued to each individual (including children) for whom family planning services are sought ~~must be furnished to the department.~~

a. The requirement of furnishing a social security number does not apply to an individual who:

(1) Is not eligible to receive a social security number;

(2) Does not have a social security number and may only be issued a social security number for a valid nonwork reason in accordance with 20 CFR §422.104 ~~§422.104~~ as amended to March 15, 2022; or

(3) Refuses to obtain a social security number because of a well-established religious objection. For this purpose, a well-established religious objection means that the individual:

1. Is a member of a recognized religious sect or division of a sect; and
2. Adheres to the tenets or teachings of the sect or division of the sect and for that reason is conscientiously opposed to applying for or using a national identification number.

b. If a required social security number has not been issued or is not known, the individual seeking coverage under the family planning program must apply cooperate with the department or authorized Title X agency, as applicable, in applying for a social security number with the Social Security Administration or request in requesting the Social Security Administration to furnish the number.

ITEM 4. Amend paragraph **87.2(4)“a”** as follows:

a. To be eligible for the family planning program, a person must be one of the following:

(1) A citizen or national of the United States.

(2) A qualified ~~alien residing~~ noncitizen continuously present (as described in Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility, under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) at 62 CFR §61415 dated November 11, 1997) in the United States ~~before~~ since August 22, 1996.

(3) A qualified ~~alien~~ noncitizen under the age of 21.

(4) A refugee admitted to the United States under Section 207 of the Immigration and Nationality Act (INA).

(5) ~~An alien~~ A noncitizen who has been granted asylum under Section 208 of the INA.

(6) ~~An alien~~ A noncitizen whose deportation is withheld under Section 243(h) or 241(b)(3) of the INA.

(7) A qualified ~~alien~~ noncitizen veteran who has an honorable discharge that is not due to alienage.

(8) A qualified ~~alien~~ noncitizen who is on active duty in the armed forces of the United States other than active duty for training.

(9) A qualified ~~alien~~ noncitizen who is the spouse or unmarried dependent child of a qualified ~~alien~~ noncitizen described in subparagraph 87.2(4) “a”(7) or 87.2(4) “a”(8), including a surviving spouse who has not remarried.

(10) A qualified ~~alien~~ noncitizen who has resided in the United States for a period of at least five years beginning on the date of the qualified noncitizen’s entry into the United States with a status within the meaning of subparagraph 87.2(4) “a”(1), 87.2(4) “a”(4), or 87.2(4) “a”(9) under the definition of “qualified noncitizen” in rule 441—87.1(217).

(11) An Amerasian admitted as described in 8 U.S.C. Section 1612(b)(2)(A)(i)(V).

(12) A Cuban/Haitian entrant as described in 8 U.S.C. Section 1641(b)(7).

(13) A certified victim of trafficking as described in Section 107(b)(1)(A) of Public Law 106-386 as ~~amended to December 20, 2010.~~

(14) An American Indian born in Canada to whom Section 289 of the INA applies or who is a member of a federally recognized Indian tribe as defined in 25 U.S.C. Section 450b(e).

(15) An Iraqi or Afghan immigrant treated as a refugee pursuant to Section 1244(g) of Public Law 110-181 as ~~amended to December 20, 2010,~~ or to Section 602(b)(8) of Public Law 111-8 as ~~amended to December 20, 2010.~~

(16) An Afghan paroled into the United States treated as a refugee pursuant to Section 2502 of public law 117-43.

(17) A qualified noncitizen lawfully residing in the United States in accordance with a Compact of Free Association with the government of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau as described in 8 U.S.C. Section 1612(b)(2)(G) as amended by Section 208 of Division CC of Public Law 116-260.

(18) A conditional entrant pursuant to Section 203(a)(7) of the INA as in effect before April 1, 1980.

ITEM 5. Amend paragraph **87.2(4)“b”** as follows:

b. As a condition of eligibility, all applicants for or members of the family planning program shall attest to their citizenship or ~~alien~~ qualified noncitizen status by signing the application or review form.

ITEM 6. Amend paragraph **87.2(4)“c”** as follows:

c. Except as provided in paragraph ~~87.2(4)“f,”~~ 87.2(4)“h,” applicants or members for whom an attestation of United States citizenship has been made pursuant to paragraph 87.2(4)“b” shall present satisfactory documentation of citizenship ~~or nationality as defined~~ described in paragraph 87.2(4)“d,”“e,” or “i.” ~~87.2(4)“d” or “e.”~~ A reference to a form in paragraph 87.2(4)“d” or “e” includes any successor form. An applicant or member who attests to citizenship must also verify the applicant’s identity. An applicant or member shall have a reasonable period to obtain and provide required documentation of citizenship or nationality.

(1) For the purposes of this requirement, the “reasonable period” begins on the date a written request for documentation ~~or a notice pursuant to subparagraph 87.2(4)“i”(2)~~ is issued to an applicant or member, ~~whichever is later,~~ and continues for 90 days.

(2) Family planning services shall be approved for new applicants and continue for members not previously required to provide documentation of citizenship or nationality until the end of the reasonable period to obtain and provide required documentation of citizenship or nationality. ~~However, the receipt of family planning services pending documentation of citizenship or nationality is limited to one reasonable period of up to 90 days for each individual. An applicant or member who has already received benefits during any portion of a reasonable period shall not be granted coverage for a second reasonable period.~~

ITEM 7. Amend paragraph **87.2(4)“d”** as follows:

d. Any one of the following documents ~~shall~~ must be accepted as satisfactory documentation of citizenship ~~or nationality~~ and identity:

(1) A United States passport, including a U.S. passport card issued by the U.S. Department of State, without regard to any expiration date as long as such passport or card was issued without limitation.

(2) ~~Form N-550 or N-570 (Certificate of Naturalization) issued by the U.S. Citizenship and Immigration Services~~ A Certificate of Naturalization.

(3) ~~Form N-560 or N-561 (Certificate of United States Citizenship) issued by the U.S. Citizenship and Immigration Services~~ A Certificate of United States Citizenship.

(4) A valid U.S. state-issued driver’s license ~~or other identity document described in Section 274A(b)(1)(D) of the INA,~~ but only if the state issuing the license ~~or document~~ does either of the following prior to issuance of the license:

1. ~~Requires proof of United States citizenship before issuance of the license or document; or~~
2. ~~Obtains a social security number from the applicant and verifies before certification that the number is valid and is assigned to the applicant who is a citizen.~~

(5) Documentation issued by a federally recognized Indian tribe ~~showing membership or enrollment in or affiliation with that tribe,~~ as described at 42 CFR §435.407 as amended to March 15, 2022, including but not limited to a tribal enrollment card, a Certificate of Degree of Indian Blood, a tribal census document, or a document on tribal letterhead issued under the signature of the appropriate tribal official. Acceptable documentation:

1. Identifies the federally recognized Indian tribe that issued the document;
2. Identifies the individual by name; and
3. Confirms the individual’s membership, enrollment, or affiliation with the tribe.

(6) Another document that provides proof of United States citizenship ~~or nationality~~ and provides a reliable means of documentation of personal identity, as the Secretary of the U.S. Department of Health and Human Services may specify by regulation pursuant to 42 U.S.C. Section 1396b(x)(3)(B)(v).

ITEM 8. Amend paragraph **87.2(4)“e”** as follows:

e. Satisfactory documentation of citizenship ~~or nationality~~ and identity may also be demonstrated by the combination of any identity document described in paragraph 87.2(4)“f” and any one of the following:

(1) ~~Any identity document described in Section 274A(b)(1)(D) of the INA or any other documentation of personal identity that provides a reliable means of identification, as the Secretary of the U.S. Department of Health and Human Services finds by regulation pursuant to 42 U.S.C. Section 1396b(x)(3)(D)(ii); and~~

- ~~(2) Any one of the following:~~
- ~~1. A certificate of birth in the United States.~~
 - ~~2. Form FS-545 or Form DS-1350 (Certification of Birth Abroad) issued by the U.S. Citizenship and Immigration Services.~~
 - ~~3. Form I-97 (United States Citizen Identification Card) issued by the U.S. Citizenship and Immigration Services.~~
 - ~~4. Form FS-240 (Report of Birth Abroad of a Citizen of the United States) issued by the U.S. Citizenship and Immigration Services.~~
 - ~~5. Another document that provides proof of United States citizenship or nationality, as the Secretary of the U.S. Department of Health and Human Services may specify pursuant to 42 U.S.C. Section 1396b(x)(3)(C)(v).~~

(1) A U.S. public birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (if born on or after January 13, 1941), Guam, the U.S. Virgin Islands, American Samoa, Swain's Island, or the Commonwealth of the Northern Mariana Islands (CNMI) (if born after November 4, 1986 (CNMI local time)). The birth record document may be issued by a state, commonwealth, territory, or local jurisdiction. If the document shows that the individual was born in Puerto Rico or the Northern Mariana Islands before the applicable date referenced in this paragraph, the individual may be a collectively naturalized citizen. The following establishes U.S. citizenship for collectively naturalized individuals:

1. Puerto Rico: Evidence of birth in Puerto Rico and the applicant's statement that the applicant was residing in the U.S., a U.S. possession, or Puerto Rico on or after January 13, 1941.

2. CNMI (formerly part of the Trust Territory of the Pacific Islands (TTPI)):

• Evidence of birth in the CNMI; evidence of TTPI citizenship and residence in the CNMI, the U.S., or a U.S. territory or possession on or after November 3, 1986 (CNMI local time); and the applicant's statement that the applicant did not owe allegiance to a foreign state on November 4, 1986 (CNMI local time);

• Evidence of TTPI citizenship, continuous residence in the CNMI since before November 3, 1981 (CNMI local time); voter registration before January 1, 1975; and the applicant's statement that the applicant did not owe allegiance to a foreign state on November 4, 1986 (CNMI local time);

• Evidence of continuous domicile in the CNMI since before January 1, 1974, and the applicant's statement that the applicant did not owe allegiance to a foreign state on November 4, 1986 (NMI local time).

Note: If a person entered the CNMI as a nonimmigrant and lived in the CNMI since January 1, 1974, this does not constitute continuous domicile and the individual is not a U.S. citizen.

(2) A Certification of Report of Birth, issued to U.S. citizens who were born outside the U.S.

(3) A Report of Birth Abroad of a U.S. citizen.

(4) A certificate of birth in the U.S.

(5) A U.S. Citizen I.D. card.

(6) A Northern Marianas Identification Card issued by the U.S. Department of Homeland Security (or predecessor agency).

(7) A final adoption decree showing the child's name and U.S. place of birth or, if an adoption is not final, a statement from a state-approved adoption agency that shows the child's name and U.S. place of birth.

(8) Evidence of U.S. Civil Service employment before June 1, 1976.

(9) A U.S. military record showing a U.S. place of birth.

(10) Documentation that a child meets the requirements of Section 101 of the Child Citizenship Act of 2000 as amended (8 U.S.C. Section 1431).

(11) Medical records, including but not limited to hospital, clinic, or doctor records or admission papers from a nursing facility, skilled care facility, or other institution that indicate a U.S. place of birth.

(12) A life, health, or other insurance record that indicates a U.S. place of birth.

(13) An official religious record recorded in the U.S. showing that the birth occurred in the U.S.

(14) School records, including preschool, Head Start, and day care, showing the child's name and U.S. place of birth.

(15) Federal or state census records showing U.S. citizenship or a U.S. place of birth.

If the applicant does not have one of the documents listed in paragraph 87.2(4) "d" or subparagraphs 87.2(4) "e"(1) through (15), the applicant may submit an affidavit using Form 470-4373 or 470-4373(S), signed under penalty of perjury by another individual who can reasonably attest to the applicant's citizenship. Such affidavit must contain the applicant's name, date of birth, and place of U.S. birth. The affidavit is not required to be notarized.

ITEM 9. Rescind paragraph **87.2(4)"f"** and adopt the following **new** paragraph in lieu thereof:

f. Any of the following documents must be accepted as satisfactory documentation of identity, provided the document has a photograph or other identifying information sufficient to establish identity, including but not limited to name, age, sex, race, height, weight, eye color, or address:

(1) Identity documents listed at 8 CFR §274a.2(b)(1)(v)(B)(1) as amended to March 15, 2022, except a driver's license issued by a Canadian government authority.

(2) A driver's license issued by a state or territory.

(3) A school identification card.

(4) A U.S. military card or draft record.

(5) An identification card issued by the federal, state, or local government.

(6) A military dependent's identification card.

(7) A U.S. Coast Guard Merchant Mariner card.

(8) For children under age 19, a clinic, doctor, hospital, or school record, including preschool or day care records.

(9) Two other documents containing consistent information that corroborates an applicant's identity. Such documents include, but are not limited to, employer identification cards; high school, high school equivalency, and college diplomas; marriage certificates; divorce decrees; and property deeds or titles.

(10) A finding of identity from a federal agency or another state agency, including but not limited to a public assistance, law enforcement, internal revenue or tax bureau, or corrections agency, if the agency has verified and certified the identity of the individual.

If the applicant does not have any document specified in subparagraphs 87.2(4) "f"(1) through (10), the applicant may submit an affidavit using Form 470-4386 or 470-4386(S), signed under penalty of perjury by another individual who can reasonably attest to the applicant's identity. Such affidavit must contain the applicant's name and other identifying information establishing identity, as described in paragraph 87.2(4) "f." The affidavit is not required to be notarized.

ITEM 10. Rescind paragraph **87.2(4)"g"** and adopt the following **new** paragraph in lieu thereof:

g. The department or authorized Title X agency, as applicable, must accept a photocopy, facsimile, scanned, or other copy of a document listed in paragraph 87.2(4) "d," "e," or "f" to the same extent as an original document, unless information on the submitted copy is inconsistent with other information available or there is reason to question the validity of, or information in, the document. The department must provide assistance in a timely manner to persons who need assistance in securing satisfactory documentation of citizenship or identity.

ITEM 11. Rescind paragraph **87.2(4)"h"** and adopt the following **new** paragraph in lieu thereof:

h. A person for whom an attestation of United States citizenship has been made pursuant to paragraph 87.2(4) "b" is not required to present documentation of citizenship and identity for the family planning program if any of the following circumstances apply:

(1) The person is entitled to or enrolled for benefits under any part of Title XVIII of the federal Social Security Act (Medicare).

(2) The person is receiving federal social security disability insurance (SSDI) benefits under Title II of the federal Social Security Act, Section 223 or 202, based on disability (as defined in Section 223(d) of the Act).

(3) The person is receiving supplemental security income (SSI) benefits under Title XVI of the federal Social Security Act.

(4) The person is or was exempted while assisted by child welfare services funded under Part B of Title IV of the federal Social Security Act on the basis of being a child in foster care as defined in Iowa Code section 232.2(20B). This exemption does not apply, and the person is subject to the citizenship and identity documentation requirements described in paragraph 87.2(4) “c,” when services under Part B of Title IV were terminated due to failure to meet citizenship requirements.

(5) The person is or was exempted while assisted by foster care as defined in Iowa Code section 232.2(20B) or adoption assistance funded under Part E of Title IV of the federal Social Security Act. This exemption does not apply, and the person is subject to the citizenship and identity documentation requirements described in paragraph 87.2(4) “c,” when services under Part E of Title IV were terminated due to failure to meet citizenship requirements.

(6) The person has previously presented satisfactory documentation of citizenship and identity, as specified by the United States Secretary of Health and Human Services.

(7) The person was deemed eligible for medical assistance pursuant to 42 U.S.C. Section 1396a(e)(4) on or after July 1, 2006, as the newborn of a Medicaid-eligible mother.

(8) The person was eligible for medical assistance pursuant to 42 U.S.C. Section 1397ll(e) as the newborn of a mother eligible for assistance under a State Children’s Health Insurance Program (SCHIP) pursuant to Title XXI of the Social Security Act.

ITEM 12. Rescind paragraph **87.2(4)“i”** and adopt the following **new** paragraph in lieu thereof:

i. Except as provided in paragraph 87.2(4) “h,” applicants or members for whom an attestation of qualified noncitizen status has been made pursuant to paragraph 87.2(4) “b” shall present satisfactory documentation of qualified noncitizen status. Satisfactory documentation of qualified noncitizen status is documentation issued by the U.S. Citizenship and Immigration Services (USCIS) (formerly Immigration and Naturalization Service (INS)) of the Department of Homeland Security that identifies the person’s qualified noncitizen status.

ITEM 13. Amend subrule 87.2(5) as follows:

87.2(5) Deeming of ~~alien~~ sponsor’s income.

a. When ~~an alien~~ a qualified noncitizen admitted for lawful permanent residence is sponsored by a person who executed an affidavit of support as described in 8 U.S.C. Section 1631(a)(1) on behalf of the ~~alien~~ qualified noncitizen, the ~~income of the alien shall be deemed to include the income of the sponsor (and of the sponsor’s spouse if living with the sponsor)~~ shall be deemed to determine eligibility for the sponsored qualified noncitizen. The amount deemed to the sponsored ~~alien~~ qualified noncitizen shall be the total countable income of the sponsor ~~and the sponsor’s spouse~~, determined pursuant to paragraphs 87.2(3) “b” through “d.”

b. An indigent ~~alien~~ qualified noncitizen is exempt from the deeming of a sponsor’s income for 12 months after indigence is determined. ~~An alien~~ A qualified noncitizen shall be considered indigent if:

(1) The ~~alien~~ qualified noncitizen does not live with the sponsor; and

(2) The ~~alien’s~~ qualified noncitizen’s gross income, including any income actually received from or made available by the sponsor, is less than 100 percent of the federal poverty level for the sponsored ~~alien’s~~ qualified noncitizen’s household size.

c. A battered ~~alien~~ qualified noncitizen as described in 8 U.S.C. Section 1641(c) is exempt from the deeming of a sponsor’s income for 12 months.

d. Deeming of the sponsor’s income does not apply when:

(1) The sponsored ~~alien~~ qualified noncitizen attains citizenship through naturalization pursuant to Chapter 2 of Title II of the INA.

(2) The sponsored ~~alien~~ qualified noncitizen has earned 40 qualifying quarters of coverage as defined in Title II of the Social Security Act or can be credited with 40 creditable qualifying quarters as defined in rule 441—87.1(217).

(3) The sponsored ~~alien~~ qualified noncitizen or the sponsor dies.

(4) The sponsored ~~alien~~ qualified noncitizen is a child under the age of 21 as allowed by 42 U.S.C. Section 1396b(v)(4)(A)(ii).

ITEM 14. Amend subrule 87.2(6) as follows:

87.2(6) *Residency requirements.* Residency in Iowa is a condition of eligibility for the family planning ~~services~~ program.

a. Definition of resident. A resident of Iowa is one:

(1) Who is living in Iowa voluntarily with the intention of making that person's home there and not for a temporary purpose. A ~~child~~ person is a resident of Iowa when living there on other than a temporary basis. Residence ~~may~~ shall not depend upon the reason for which the individual entered the state, except insofar as it may bear upon whether the individual is there voluntarily or for a temporary purpose; or

(2) Who, at the time of application, is living in Iowa, is not receiving assistance from another state, and entered Iowa with a job commitment or seeking employment in Iowa, whether or not currently employed. ~~Under this definition, the child is a resident of the state in which the parent or caretaker is a resident.~~

b. Retention of residence. Residence is retained until abandoned. Temporary absence from Iowa, with subsequent returns to Iowa, or intent to return when the purposes of the absence have been accomplished does not interrupt continuity of residence.

ITEM 15. Amend subrule 87.2(7) as follows:

87.2(7) *Investigation by quality control or the department of inspections and appeals.* As a condition of eligibility, an applicant or member shall cooperate with the department when the applicant's or member's case is selected by quality control or the department of inspections and appeals for verification of eligibility unless the investigation revolves solely around the circumstances of a person whose income ~~and resources do~~ does not affect family planning program eligibility. (See More information can be found in department of inspections and appeals rules in 481—Chapter 72.) Failure to cooperate shall serve as a basis for denial of an application or cancellation of family planning program eligibility. Once a person's eligibility is denied or canceled for failure to cooperate, the person may reapply but shall not be determined eligible until cooperation occurs.

ITEM 16. Amend subrule 87.3(1) as follows:

87.3(1) *Application.* An individual who requests assistance for family planning services shall file an application Form 470-5485, ~~Family Planning Program Application~~. A woman eligible under paragraph 87.2(1) "a" is not required to file an application for assistance under this program. The department will automatically redetermine eligibility upon loss of other Medicaid eligibility within 12 months after the month when the 60-day postpartum period ends.

ITEM 17. Amend subrule 87.3(3) as follows:

87.3(3) *Information or verification needed to determine eligibility.* The department or authorized Title X agency, as applicable, shall notify the applicant or member, authorized representative, or responsible person in writing of the information or verification required to establish eligibility. This notice shall be provided to the applicant or member, authorized representative, or responsible person personally or by mail or fax.

a. The department or authorized Title X agency, as applicable, shall allow the applicant or member, authorized representative, or responsible person ten calendar days to supply the information or verification requested.

b. The department or authorized Title X agency, as applicable, may extend the deadline for a reasonable period of time when the applicant or member, authorized representative, or responsible person is making reasonable efforts but is unable to secure the required information or verification.

c. If benefits are denied for failure to provide information or verification and the information or verification is provided within 14 calendar days of the effective date of the denial, the department or authorized Title X agency, as applicable, shall complete the eligibility determination as though the information or verification were received timely. If the fourteenth calendar day falls on a weekend or

state holiday, the applicant or member, authorized representative, or responsible person shall have until the next business day to provide the information.

ITEM 18. Amend subrule 87.3(4) as follows:

87.3(4) Annual review. An individual who requests that assistance continue for family planning services shall complete Form 470-4071, ~~Family Planning Program Review~~. The member must submit the completed review form before the end of the eligibility period to any location specified in subrule 87.3(2).

ITEM 19. Amend subrule 87.3(5) as follows:

87.3(5) Time limit for decision. An application or review form shall be processed by the ~~family planning agency~~ department or authorized Title X agency with which the ~~application form~~ was filed. A determination of eligibility shall be made within 45 days of receipt of the application or review form.

ITEM 20. Amend subrule 87.6(1) as follows:

87.6(1) Required changes to report. An individual applying for or receiving family planning services under this program shall report the following changes within ten days from the date the change is known:

- a. Change in mailing address;
- b. No longer a resident of Iowa;
- c. A woman becomes pregnant;
- d. No longer capable of bearing or fathering children;
- e. Becomes Medicaid or Iowa health and wellness plan eligible, except women meeting criteria in paragraph 87.2(1) "a"; or
- f. Turns 55 years of age.

ITEM 21. Amend subrule 87.8(1) as follows:

87.8(1) Sterilization is a covered service subject to the limitations in ~~441—paragraphs 78.1(16) "a" through "i."~~ 441—Chapter 78.

ITEM 22. Amend subrule 87.10(1) as follows:

87.10(1) Family planning providers that participate in the program shall submit claims to ~~the Iowa Medicaid enterprise~~ for services rendered no later than 45 days from the last day of the month in which services were provided.

ITEM 23. Amend rule 441—87.11(217) as follows:

441—87.11(217) Providers eligible to participate.

87.11(1) Providers must be enrolled with the Iowa Medicaid program, subject to ~~rule 441—79.14(249A)~~ 441—Chapter 79, and otherwise qualified to provide family planning services under Medicaid, subject to the limitations related to abortions, as specified above under subrule 87.7(1). Effective July 1, 2018, as a condition of eligibility as a provider under the family planning services program, each distinct location of a nonprofit health care delivery system shall enroll in the program as a separate provider, be assigned a distinct provider identification number, and complete an attestation that abortions are not performed at the distinct location. For the purposes of this subrule, "nonprofit health care delivery system" shall have the same meaning as provided under subrule 87.7(1).

87.11(2) Process for enrollment. Providers wishing to enroll under the state family planning program must complete the following steps:

- a. Must complete enrollment with Iowa Medicaid ~~enterprise~~.
- b. Must complete Form 470-5484, ~~Family Planning Program Provider Attestation~~, regarding nonprovision of abortions, pursuant to requirements referenced above under subrule 87.7(1).
- c. Forms referenced in this subrule must be sent to Iowa Medicaid ~~Enterprise~~, Provider Enrollment Unit, P.O. Box 36450, Des Moines, Iowa 50315.

ITEM 24. Amend **441—Chapter 87**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section 217.41B as amended by 2018 Iowa Acts, ~~Senate File 2418~~, section 83.